IN THE UNITED STATES DISTRICT COURT FOR THE

WESTERN DISTRICT OF OKLAHOMA

ANTONIO SIFUENTES,   )
)
                    Plaintiff,   )
)
v.   )   Case No. CIV-04-1412-T
)
CORRECTIONS CORPORATION OF   )
AMERICA, INC., *et al.*,   )
)
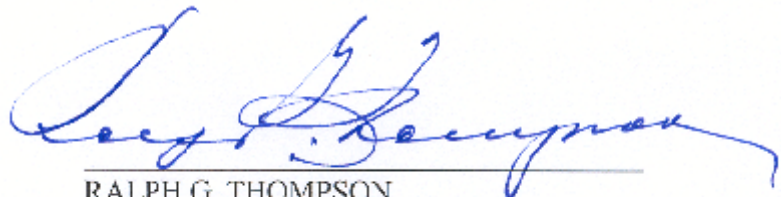   Defendants.   )

<u>ORDER</u>

Petitioner, appearing *pro se*, filed this action pursuant to 42 U.S.C. § 1983, on October 25, 2004.

The matter was referred to United States Magistrate Doyle W. Argo for initial proceedings. (Doc. No.

5.) On February 8, 2005, Defendants filed a motion to dismiss. On April 19, 2005, Judge Argo issued

a Report and Recommendation which recommended Plaintiff's Complaint be dismissed without prejudice

based on his failure to exhaust his administrative remedies prior to filing suit. The Report and

Recommendation also notified Plaintiff that any objections to the Report and Recommendation should be

filed on or before May 9, 2005.

The court of appeals' "firm waiver rule" holds "that a party's objection to the magistrate judge's

report and recommendation must be both timely and specific to preserve an issue for *de novo* review by

the district court or for appellate review." United States v. One Parcel of Real Property, 73 F.3d 1057,

1060 (10th Cir. 1996). In this case, the court file reveals that Plaintiff failed to file an objection to the

Report and Recommendation.[1]   Thus, by failing to specifically object to any issue addressed in Judge

Argo's Report and Recommendation, Plaintiff has waived further review of the issues addressed in the

Report and Recommendation.

Accordingly, upon review of the entire court file, the Court ADOPTS the April 19, 2005, Report

and Recommendation in its entirety and Petitioner's Petition is dismissed without prejudice based on his

failure to exhaust his administrative remedies.

IT IS SO ORDERED this 16th day of May, 2005.

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RALPH G. THOMPSON
UNITED STATES DISTRICT JUDGE

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[1] *It appears that Plaintiff failed in his duty to keep the Court Clerk apprized of his current address as copies of pleadings mailed to Plaintiff at the address he provided have been returned.*